

**SUBJECT:** Regulating certain guardianship programs

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 8 ayes — Smithee, Farrar, Hernandez, Laubenberg, Murr, Neave, Rinaldi, Schofield

0 nays

1 absent — Gutierrez

**SENATE VOTE:** On final passage, March 8 — 31-0

**WITNESSES:** No public hearing

**BACKGROUND:** Government Code, sec. 155.102 requires individuals providing guardianship and related services to hold a certificate issued by the Judicial Branch Certification Commission (JBCC). Sec. 155.105 requires a guardianship program to provide an annual report to the commission with certain information, including the number of wards it serves and the amount of money it receives from public sources.

Concerns have been raised about the lack of regulatory authority JBCC has over certain guardianship programs. Under current law, the commission has authority to certify and regulate individual professional guardians but not guardianship programs that employ one or more individual guardians. Guardianship programs only are required to disclose information about their wards to JBCC annually.

**DIGEST:** SB 36 would require a guardianship program to be registered and hold a certificate of registration issued by the Judicial Branch Certification Commission (JBCC) in order to be appointed as a guardian. The bill would prohibit a guardianship program from employing an individual to provide guardianship and related services if the individual's certificate was expired, revoked, or suspended.

The bill also would require JBCC, in consultation with the Health and Human Services Commission (HHSC) and other interested parties, to adopt standards for operations of guardianship programs designed to ensure quality of their services and continual compliance by guardianship programs with applicable laws. Guardianship programs under contract with HHSC would not be subject to the standards.

The bill would require the Supreme Court of Texas to adopt the rules and procedures for issuing, renewing, suspending, and revoking a guardianship program's registration certificate. The rules would:

- ensure compliance with the JBCC's standards;
- direct JBCC to establish qualifications for obtaining and maintaining a registration certificate;
- specify that a registration certificate would expire two years after its date of issue;
- prescribe procedures for accepting complaints and conducting investigations of alleged violations of the guardianship program of standards or applicable state law; and
- detail procedures by which the JBCC, after notice and a hearing, could suspend or revoke a registration certificate.

A guardianship program would not be required to hold a registration certificate under the bill until September 1, 2018.

SB 36 would require JBCC to publish on its website information, updated at least quarterly, on all registered guardianship programs, including information on whether a program was in good standing.

The bill would take effect September 1, 2017, and would require JBCC and the Supreme Court to adopt the rules and standards necessary to implement the bill's provisions as soon as practicable after that date.